

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROY A. DAY,

Plaintiff,

v.

SPECTRUM BRANDS HOLDINGS, INC.
AND DAVID R. LUMLEY,

Defendants.

ORDER

Case No. 15-cv-140-jdp

Plaintiff Roy A. Day, has filed a proposed civil complaint and has asked for leave to proceed without prepayment of the filing fee. Plaintiff has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3,700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff has no dependents, is currently unemployed, and has no substantial assets. Plaintiff reports that he receives \$694 per month or \$8,328 annually from

Social Security benefits. He also reports receiving \$59 in the last twelve months from SSI Disability. Accordingly, plaintiff may proceed without any prepayment of fees or costs.

ORDER

IT IS ORDERED that:

1. The motion filed by plaintiff Roy A. Day, for leave to proceed without prepayment of fees (Dkt. # 2) is GRANTED.

2. No further action will be taken in this case until the court has screened the complaint pursuant to 28 U.S.C. § 1915 to determine whether the case must be dismissed because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Once the screening process is complete, a separate order will issue.

Entered this 6th day of March, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge